

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

IDELBERTO MEJIA)	
Claimant)	
VS.)	
)	Docket No. 216,391
GREDE FOUNDRIES, INC.)	
Respondent)	
Self-Insured)	

ORDER

Claimant appeals from an Award rendered by Administrative Law Judge Nelsonna Potts Barnes on April 30, 1998.

APPEARANCES

Darla J. Lilley of Wichita, Kansas, appeared on behalf of claimant. Kathleen N. Wohlgemuth of Wichita, Kansas, appeared on behalf of respondent, a qualified self-insured.

RECORD AND STIPULATIONS

The Appeals Board has considered the record and adopted the stipulations listed in the Award.

ISSUES

The ALJ found claimant's injury and disability were temporary only. On appeal, claimant argues for an award of permanent partial disability benefits.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the record and considering the arguments, the Appeals Board concludes the Award should be affirmed.

Findings of Fact

1. Claimant was injured on August 29, 1996, when a coworker accidentally struck claimant's hard hat with a sledgehammer. Claimant and the coworker were breaking pieces of metal with sledgehammers at the time.

2. Claimant was subsequently treated and examined by a number of physicians. Of those whose opinions are in evidence, only Dr. Pedro A. Murati, claimant's medical expert, found claimant has permanent disability from the work-related accident. On the other hand, Dr. Parula P. Raghavan, Dr. Dilawer H. Abbas, Dr. John Hered, and the court-appointed medical examiner, Dr. Iris A. Brossard, all concluded claimant has no permanent impairment from the work-related injury.

3. The Board finds claimant has no permanent impairment caused by the work-related accident he suffered on August 29, 1996.

Conclusions of Law

1. Claimant suffered accidental injury by accident on August 29, 1996, and is entitled to the medical expenses previously paid by respondent, the temporary total disability benefits paid by respondent, the additional temporary total disability benefits awarded by the ALJ, and unauthorized medical expenses up to the statutory maximum.

2. Claimant suffered no permanent disability as a result of his work-related accident and is not entitled to permanent disability benefits.

AWARD

WHEREFORE, it is the finding, decision, and order of the Appeals Board that the Award entered by Administrative Law Judge Nelsonna Potts Barnes on April 30, 1998, should be, and is hereby, affirmed.

IT IS SO ORDERED.

Dated this ____ day of August 1998.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Darla J. Lilley, Wichita, KS
Kathleen N. Wohlgemuth, Wichita, KS
Nelsonna Potts Barnes, Administrative Law Judge
Philip S. Harness, Director